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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,130	05/30/2007	Braj Bhushan Lohray	4062-189	5076
23117 7590 09/30/2009 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
HABTE, KAHISAY				
ART UNIT		PAPER NUMBER		
1624				
MAIL DATE		DELIVERY MODE		
09/30/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/576,130

Applicant(s)

LOHRAY ET AL.

Examiner

Kahsay T. Habte

Art Unit

1624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-13 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF 298)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

1. Claims 1-13 are pending in this application.

Election/Restrictions

2. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-13 (in part), drawn to A = phenoxazine (compound No. 1) or A = benzoxazine (compound No. 8) that are attached to the rest of the molecule via N and Ar = phenylene or naphthalene.

Group II, claim(s) 1-13 (in part), drawn to A = phenothiazine (compound No. 2) that is attached to the rest of the molecule via N and Ar = phenylene or naphthalene.

Group III, claim(s) 1-13 (in part), drawn to A = carbazole (compound No. 6) that is attached to the rest of the molecule via N and Ar = phenylene or naphthalene.

Group IV, claim(s) 1-13 (in part), drawn to A = substituted 1,3-oxazole (compound No. 3) or substituted pyrrolidine (compound No. 7) that are attached to the rest of the molecule via C and Ar = phenylene or naphthalene.

Group V, claim(s) 1-13 (in part), drawn to A = phenyl (compound No. 4) or A = substituted phenyl (compound No. 5) and Ar = phenylene or naphthalene.

Group VI, claim(s) 1-13 (in part), drawn to A= other heteroaryl or heterocyclic rings and Ar = other heteroaromatic group.

Group VII, claim(s) 1-13 (in part), drawn to others (core structures that are not covered by Groups I-VI).

The inventions listed as Groups I-VII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the special technical feature of Groups I-VII is different one from the other. The special technical feature of Group I is a phenoxazine ring or a benzoxazine ring attached via linker to phenylene or naphthalene ring and is different from the special technical feature of Groups II-VII. The special technical feature of Group II is a phenothiazine ring that is attached via linker to phenylene or naphthalene ring and is different from the special technical feature of Group I or Groups III-VII. The special technical feature of Group III is a carbazoles ring that is attached via linker to phenylene or naphthalene ring and is different from the special technical feature of Group I-II or Groups IV-VII. The special technical feature of Group IV is a substituted 1,3-oxazole ring or substituted pyrrolidine ring that is attached via linker to phenylene or naphthalene ring and is different from the special technical feature of Group I-III or Groups V-VII. Like wise, the special technical feature of Groups V-VII is different one from the other.

If Group V, VI or VII is elected; election of a single disclosed species from the specification is required.

A telephone call was made to Mr. Larry Nixon on 09/29/2009 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the

requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

To expedite prosecution, it is recommended that applicants amend claim 8 as "A method of treating hyperlipidaemia, hypercholestermia,...in need thereof." It is also recommended that applicants delete from claim 9 the following phrase: "coronary artery disease, cardiovascular disorders and other diseases wherein insulin resistance is the underlying pathophysiological mechanism". In addition, it is recommended that applicants delete claim 11 that is drawn to "use of" claim.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kahsay Habte whose telephone number is (571) 272-0667. The examiner can normally be reached on M-F (9.00AM- 5:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson can be reached at (571) 272-0661. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Kahsay T. Habte/
Primary Examiner, Art Unit 1624

September 30, 2009